

REMARKS

The non-final Office Action was issued on pending claims 1-28. Claims 1-15, 17-23 and 25-28 stand rejected, claim 16 was objected to, and claim 24 stands allowed. In this Response, claims 1, 3, 5, 9, 10, 17-21 and 25-27 have been amended, claims 29-33 have been added and no claims have been cancelled. Thus, claims 1-33 are pending in the application.

Applicants invite the Examiner to call Applicants' Representative to discuss any issues with this application.

Allowable Subject Matter

In Office Action paragraph 9, claim 24 was allowed. In Office Action paragraph 10, claim 16 was objected to as being dependent upon a rejected base claim, but noted as being allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicants thank the Examiner for this notice of allowable claims.

Drawings

In Office Action paragraph 2, the drawings were objected to under 37 C.F.R. § 1.83(a) with reference to the end panel being in a position folded on top of one of the plurality of panels as recited in claims 5 and 19. Although Applicants disagree and submit that the drawings and specification as originally filed sufficiently show and describe the claimed invention, claims 5 and 19 have been amended. The amendments to claims 5 and 19 render the drawing objections moot.

Claim Rejections – 35 USC § 103

In Office Action paragraphs 3-8, various claim rejections were entered under 35 U.S.C. § 103(a). Claims 1, 2, 6-11, and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cook et al. (US 3,119,548). Claims 1-4, 6-9, 14, 17, 18, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Calhoun (US 3,319,684). Claims 1, 2, 6-10, 13-15, 17, and 25-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over LaFleur (US 5,358,335). Claims 21-23, 27 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sasaki et al. (US 5,788,121). Claims 1-10, 12, 14, 15, 17-20, 25, and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sasaki et al. in view of Olson (US 6,032,818). Applicants' respectfully disagree.

Claim 1 has been amended to clarify the claim. The flexible container, as claimed in claim 1, now calls for a second end panel connected to the panels at an opposite end of the sleeve. Further, the plurality of panels and the end panels form a closed flexible container capable of maintaining a sterile barrier to an interior volume of the flexible container of at least about 200 liters. The amendment to claim 1 is supported by the specification at page 8, lines 15-23 and page 5, lines 11-14. Claims 3, 5, 9 and 10 have been amended to be consistent with claim 1.

As to claim 17, claim 17 has been amended similar to the amendment of claim 1. Claims 18-20 have been amended to be consistent with claim 17.

As to claim 21, claim 21 has been amended to clarify the claim. Claim 21 calls for the large volume flexible container to have connection lines between connected-together panels and which are below a top end of the container structure being substantially free of projections. By way of example, Fig. 1 shows connection lines between panels which are below a top end (top panel 12) of the container structure. The connection lines between the connected-together panels are substantially free of projections. The panels themselves may project outward; however, the connection lines of adjacent panels do not project outward. One advantage of this claimed feature of Applicants' flexible container invention pertains to deployment of the flexible container within an exterior box during filling of the flexible container. For example, see Figs.

10 and 22-25. The outer corners of the flexible container (connection lines between connected-together panels) deploy properly against interior corners of the exterior box because the container corners are free of projections. Proper deployment of large volume flexible containers is important because improper deployment can cause failure of the container.

As to claim 25, claim 25 has been amended to clarify the claim. Claim 25 now calls for a flexible container having a plurality of spaced-apart hanger connectors on a top panel of the plurality of panels, the hanger connectors being located between a center of the top panel and an outer perimeter edge of the top panel. Fig. 3 shows an example of this claimed feature. The flexible container 10 has a plurality of spaced-apart hanger connectors 173 on a top panel 22. The hanger connectors 173 are located between a center of the top panel 22 and an outer perimeter edge of the top panel 22. The location of Applicants' hanger connectors provides advantages. For example, when the flexible container is supported by a hanger attached to the hanger connectors at the claimed location on the top panel, filling and deployment of the flexible container is improved. Furthermore, the draining process of removing a liquid from the filled container is also improved.

As to claim 27, claim 27 calls for a flexible container having a plurality of panels connected together and defining an interior space of at least about 200 liters and capable of maintaining a sterile barrier to the interior space. The amendment to claim 27 is similar to the amendment to claim 1 above.

Turning to the references relied on in the Office Action, Applicants respectfully submit that the references do not disclose or suggest Applicants' claimed invention.

As to the rejections based on Cook et al., Cook et al. pertains to an open-ended plastic bag. Applicants' submit that Cook et al. does not disclose or suggest a plurality of panels and end panels connected together to form a closed flexible container capable of maintaining a sterile barrier to an interior volume of the flexible container of at least about 200 liters.

As to the rejections based on Calhoun, Calhoun pertains to a collapsible container. Calhoun describes the collapsible container as being suitable for urine collection and enema administration. Accordingly, Applicants submit that Calhoun does not disclose or suggest the

closed flexible container capable of maintaining a sterile barrier to an interior volume of the flexible container of at least about 200 liters.

As to the rejections based on LaFleur, LaFleur pertains to a bulk bag with conical top. Referring to claims 1, 17 and 27 of Applicants' invention, Applicants submit that LaFleur does not disclose or suggest a flexible container capable of maintaining a sterile barrier to an interior of the container. The LaFleur bulk bag is apparently not even leak-proof because LaFleur describes the need of a liquid-impervious liner if a leak-proof container is required. See, LaFleur, column 4, lines 36-39. Applicants submit even if a liquid-impervious liner is added to the LaFleur bulk bag, LaFleur does not disclose or suggest that the bulk bag provide a sterile barrier to the interior of the bag. Referring to claim 25 of Applicants' invention, the LaFleur bulk bag has straps 40 connected to upper, outer perimeter corners of the bag. See, LaFleur, Fig. 1 and column 4, lines 40-50. Conversely, claim 25 of Applicants' invention calls for a plurality of spaced-apart hanger connectors on a top panel of the plurality of panels in which the hanger connectors are located between a center of the top panel and an outer perimeter edge of the top panel. The location of Applicants' hanger connectors provides advantages with filling and emptying Applicants' flexible container. Applicants further submit that LaFleur does not disclose or suggest moving the straps 40 from the outer perimeter corners inward toward a center of the top of the bag.

As to the rejections based on Sasaki et al., Sasaki et al. pertains to a bag for bag-in-box and bag-in-box . Referring to Applicants' invention as claimed in claim 21, Sasaki et al. shows in Figs. 1-3 side seal portions 9 which project outward from the connection between adjacent sides. Furthermore, bottom seal portions 8 also project outward at the bottom of the bag 101. Even further, triangle fin portions 11 project from the bottom of the bag 101. Conversely, Applicants' invention, as claimed in claim 21, calls for connection lines between connected-together panels and which are below a top end of the container structure to be substantially free of projections. As to Applicants' invention, as claimed in claim 27, Applicants submit that Sasaki et al, does not disclose or suggest a plurality of panels connected together and defining an interior space of at least about 200 liters and capable of maintaining a sterile barrier to the interior space. Sasaki et al. describes the volume of the bag to be from about 5 liters for

domestic use to about 20 liters for commercial use. See, Sasaki et al., column 11, lines 44-47. Furthermore, Applicants submit that Sasaki et al. does not disclose or suggest that the bag have a minimum volume of at least about 200 liters and be capable of maintaining a sterile barrier to the internal volume.

As to the rejections based on Olson, Olson was relied to reject to claims 5 and 19. However, claims 5 and 19 are dependent claims and Applicants submit that claims 5 and 19 are allowable at least for the same reasons that their respective independent claims are allowable.

The Office Action repeatedly asserts that it would be obvious to modify the various references to provide containers having interior volumes of at least about 200 liters because such a modification would have involved a mere change in the size of a component. However, Applicants respectfully submit that Applicants' invention having at least about 200 liters volume is not a mere change in the size of a component. Applicants' 200 liter containers are dramatically and significantly larger sized containers. Furthermore, the Office Action must identify a teaching, suggestion, or motivation to modify the prior art references to provide containers having volumes of at least about 200 liters. Applicants respectfully submit that the references relied on in the Office Action do not provide a teaching, motivation, or suggestion to significantly modify the containers to have remarkably large volumes of at least about 200 liters. See, Applicants' comments at the paragraph bridging pages 6 and 7 of the Office Action response dated January 13, 2003.

Thus, Applicants respectfully submit that the § 103 rejections have been overcome.

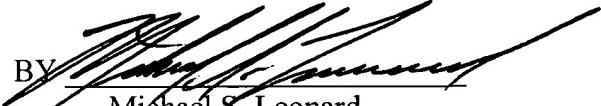
CONCLUSION

For the foregoing reasons, Applicants submit that the patent application is in condition for allowance and request a Notice of Allowance be issued.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY


Michael S. Leonard
Reg. No. 37,557
P.O. Box 1135
Chicago, Illinois 60690-1135
Phone: (312) 807-4270

Dated: August 25, 2003